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ABSTRACT

Summarized testimony heard at the public hearings held by the Educational Service Region of Cook County (March 1, 1973) is presented in this document. In addition to being printed in narrative form, the comments are also analyzed in tables according to content and response to key issues centered around collective bargaining. An opening letter by the superintendent of schools is included. (JB)

FORM 510

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COLLECTIVE BARGAINING FOR TEACHERS IN COOK COUNTY ILLINOIS

REMARKS AND EXCERPTS OF PUBLIC HEARINGS MARCH 1, 1973

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SP 006 528

Educational Service Region of Cook County

Richard J. Martwick, Superintendent

EDUCATIONAL SERVICE REGION
COOK COUNTY
33 West Grand Avenue
Chicago, Illinois 60610

RICHARD J. MARTWICK
Superintendent of Schools

Dear Citizen:

The following report summarizes testimony heard at public hearings held by the Educational Service Region of Cook County on March 1, 1973 concerning collective bargaining.

During the 1972-73 school year we experienced four teacher/board collective bargaining disputes in Cook County that resulted in work stoppages and the closing of schools. The Educational Service Region of Cook County was called upon to mediate three teacher/board disputes and in each case achieved a moderate measure of success.

As a result of this mediation role it became clear to me and members of my staff that a ventilation of views regarding a collective bargaining law for teachers would be helpful to both the community and members of the Illinois General Assembly.

The following report summarizes the recommendations made by various witnesses who appeared at the public hearings. It represents a broad range of positions, and while it is not the intention of this office to make specific recommendations, we do present here some of the recommendations made by those giving testimony.

There seemed to be a general agreement on the following points:

a) Of the 17 witnesses who testified, 15 favored the establishment of a collective bargaining law in Illinois.

b) There seemed to be support for a law that would encompass all public employees.

c) There is general agreement that supervisors and those in management positions be excluded from the bargaining unit.

d) The most controversial area involved the question of what should be bargained. There is disagreement between teachers and school board representatives on scope of bargaining.

e) While teacher representatives take the position that teachers should have an expressed right to strike, there were a number of witnesses who felt that the law should be silent on this matter of strike provisions.

f) The question of the legality of binding arbitration of grievances was raised. Also there was the suggestion that an agency be established to supervise unfair labor practices.

Miscellaneous Data

a) Approximately 1,300,000 teachers are covered by a collective bargaining contract in the United States of America.

b) Over 800,000 teachers are covered by what can be considered a Level 4 agreement.

c) Half of the states in the United States have laws touching on collective bargaining and Illinois is the last of the large industrial states without a collective bargaining law.

d) In Illinois there are approximately 370 collective bargaining contracts covering some 60-70% of the teachers in our state. We are experiencing a net gain of some 40 to 50 agreements in each succeeding school year.

e) 51 school districts in Illinois have agreed to contracts with teachers that include binding arbitration grievances.

I hope that this report proves to be an informative source of information and guidance for you concerning the issue of collective bargaining.

Sincerely yours,

Richard J. Martwick

Richard J. Martwick
Superintendent of Schools

TESTIFYING WITNESSES

KEITH A. REED	Attorney, Partner Law Firm of Seyfarth, Shaw, Fairweather and Geraldson, Chicago
DOROTHY MINARSINI . .	Member of Study Group
FRED B. LIFTON. . . .	Attorney, Partner Law Firm of Robbins, Nicholas and Lifton, Chicago
ROBERT HEALEY	President, Illinois Federation of Teachers and President, Chicago Teachers Union
THOMAS BURKE.	President, Chicago Principals' Association, President, School Administrators and Supervisors Organizing Committee, Local 2, AFL-CIO
BRUCE MACKEY.	Attorney, Law Firm of Scariano and Gubbins
JOHN AURAND	Field Representative in Cook County for the Illinois Education Association and the National Education Association
JOHN LYNCH.	Chairman of the Department of School Administration, De Paul University
RICHARD MILLER. . . .	Board Member of River Forest School District No. 90, Cook County
JACK CURLESS.	Assistant Superintendent of Schools, Thornton Township High School, District No. 205, Cook County
REV. DAVID HAZELIP. .	Coordinator of Field Experiences, De Paul University
LOUIS F. BODEE. . . .	President, Board of Education, Homewood-Flossmoor High School, District No. 233, Cook County
WESLEY WILDMAN. . . .	Consultant, Illinois Association of School Boards
WARREN HOLBROOK . . .	Legislative Chairman, Illinois Principals' Association
PAUL STICKLER	Former Board Member, District No. 97, Cook County, and Attorney
MRS. LILLIAN KING . .	Chicago Region, Parent-Teacher Association
NEAL BRATCHER	District Director, American Feceration of State and County Municipal Employees Union
LEONARD DAY	Manager, Labor Relations Department, Illinois State Chamber of Commerce
JIM BAIRD	Attorney, Pope, Ballard, Shepard and Fowle

WITNESS	SHOULD ILLINOIS HAVE A COLLECTIVE BARGAINING LAW?	COVERAGE	COMPOSITION OF NEGOTIATING UNIT	SCOPE OF BARGAINING	STRIKE PROVISION
FRED LIFTON, School Attorney Robbins, Nicholas and Lifton	Yes. Would normalize teacher/board relationships.	No position expressed.	Exclusion of supervisors.	Should be carefully defined.	The law should be silent on this matter.
ROBERT HEALEY, President, Chicago Teachers Union, Illinois Federation of Teachers	Yes.	All public employees.		Salaries, economic benefits, working conditions, hours.	Expresses the right of teachers to strike. Recommends a law that permits teacher strikes.
WESLEY WILDMAN, Consultant, Illinois Association of School Boards	Don't necessarily need a collective bargaining law in Illinois.	If there is to be a law, it should cover all public employees	Exclude management positions from the bargaining unit.	If there is to be a law, management policy prerogatives should be excluded.	Recommends that "law not provide the right to strike."
KEITH REED, School Board Attorney, Seyfarth, Shaw, Fairweather & Geraldson	Yes, providing it contains certain elements.	All public employees.	Supervisors and any person a member of any affiliate with which employer bargaining should be excluded.	Narrow, no bargaining over inherent management rights.	Prohibit.

METHODS OF RESOLVING IMPASSE ON CONTRACT	GRIEVANCE PROCEDURE	UNFAIR LABOR PRACTICES, PENALTIES	TYPE AND PROCEDURES OF ESTABLISHING REPRESENTATION	MISCELLANEOUS COMMENTS
The law should be silent on this matter.	There should be a procedure. Law should clarify the legal status of binding arbitration.	An agency could be established to supervise this area.	Law should clarify legal status of agency shop.	Mediation helpful to the collective bargaining process.
No recommendation for impasse procedures.	Suggests that binding arbitration of grievances be protected in the law.	Recommends a provision for the protection of teacher rights.	Recommends an agency shop provision and election for determination of representation.	Recommends multi-year contracts. Law should prohibit injunctions.
The law should be silent on this matter.	If there is to be a law, the status of grievances should be clarified.	If there is to be a comprehensive law covering all public employees, then an agency could be established and labor practices set forth.	There should be no provision to protect union security.	In favor of multi-year contracts. Mediation can be useful. Opposes make-up days after strike. A collective bargaining law will not prevent strikes.
Mediation. Fact finding, public report of fact finder, either party can reject. Advisory arbitration.		Defined for management and employees.		Criteria needed for appropriate bargaining unit. Law should consider differences of public and private sectors.

WITNESS	SHOULD ILLINOIS HAVE A COLLECTIVE BARGAINING LAW?	COVERAGE	COMPOSITION OF NEGOTIATING UNIT	SCOPE OF BARGAINING	STRIKE PROVISION
THOMAS BURKE, President, Chicago Principals' Club	Yes.	All public employees.	Separate units for teachers and supervisors.		
BRUCE MACKEY, School Board Attorney, Scariano and Gubbins	Yes. Courts are to interpret law, not make it.	All public Employees	Exclusion of supervisors.	Narrow. No bargaining over inherent management rights. . . specifically excluded.	Expressly prohibit.
JOHN AURAND, Field Representative, Illinois Education Association	Yes.	Teachers only.	Exclusion of supervisors.	Broad. Salaries, related fringe benefits, working hours, class conditions and other conditions of employment for the negotiation of agreement, or any question arising thereunder and execution of written contract.	Limited. If impasse procedures exhausted and 24 hour notice given, 72 hours elapsed after fact finding report and agreement has expired.
JACK CURLESS, Assistant Superintendent, Thornton H.S. Dist. 205	Yes. Allows for balance of power. Should take place gradually.		Exclusion of supervisors.	Meet and confer ...or private sector model. Experiences of other states should be studied.	

METHODS OF RESOLVING IMPASSE ON CONTRACT	GRIEVANCE PROCEDURE	UNFAIR LABOR PRACTICES, PENALTIES	TYPE AND PROCEDURES OF ESTABLISHING REPRESENTATION	MISCELLANEOUS COMMENTS
Voluntary fact finding. Forbid binding fact finding. Either/ or arbitration.		Defined for management and employees.		Criteria for establishing appropriate bargaining unit. Time before impasse.
Mediation. Compulsory mediation. Compulsory fact finding. Decisions voluntary.	Binding arbitration.	Defined for management and employees... enforced by State Board.	Election scheme to permit challenging organization to petition for jurisdictional election.	
			Need state board or agency with qualified personnel.	State mandated teacher benefits removed if state bargaining.

WITNESS	SHOULD ILLINOIS HAVE A COLLECTIVE BARGAINING LAW?	COVERAGE	COMPOSITION OF NEGOTIATING UNIT	SCOPE OF BARGAINING	STRIKE PROVISION
NEAL BRATCHER, District Director for American Federation of State & County Municipal Employees Union	Yes.	All public employees.			Shouldn't restrict the rights of public employees to strike.
LOUIS F. BODEE, President, Board of Education, Dist. No. 233	Yes.	Teachers. (Addressed testimony to teachers only.)		Salaries, economic fringe benefits. Limit to monetary matters.	Permissive strike clause.
LEONARD DAY, Manager, Labor Relations Dept. Illinois State Chamber of Commerce			Not to include supervisors in same unit with employees they supervise.	Wages, hours, general working conditions.	
WARREN HOLBROOK, Legislative Chairman for the Illinois Principals' Association	Yes.			Working conditions and conditions for employment. Salaries, fringe benefits.	Prohibit.

METHODS OF RESOLVING IMPASSE ON CONTRACT	GRIEVANCE PROCEDURE	UNFAIR LABOR PRACTICES, PENALTIES	TYPE AND PROCEDURES OF ESTABLISHING REPRESENTATION	MISCELLANEOUS COMMENTS
Voluntary arbitration or set up machinery.	Agency should have an opportunity to enforce decision by going to court.	Set up agency with the Department of Labor or other department to have authority to certify, conduct elections, etc.		An employee in the public sector should have no less rights than an employee in the private sector.
				In the area of collective bargaining, people employed as teachers should have the same relative representation as people employed in the private sector.
Mediation-fact finding voluntary binding arbitration			Prohibit union shop or agency shop.	If there can't be some solid procedure for prohibiting strikes completely, opt for a limited right to strike.
			Use principals as consultants or advisors.	We do not feel that we should legislate strikes. A bill should protect the board of education in the area of management decisions, curricula, curriculum development, teacher assignments.

WITNESS	SHOULD ILLINOIS HAVE A COLLECTIVE BARGAINING LAW?	COVERAGE	COMPOSITION OF NEGOTIATING UNIT	SCOPE OF BARGAINING	STRIKE PROVISION
REV. DAVID HAZELIP, Coordinator of Field Experiences, DePaul University	Yes.	Teachers.			
(MRS.) LILLIAN KING, Chicago Region, Parent-Teacher Association	Yes.				
PAUL STICKLER, Attorney, Former Board Member, Dist. No. 97					Avoid jurisdictional strikes.
RICHARD MILLER, School Board Member, Dist. No. 90	No. No need for establishing another whole chain that's going to take money away from education again.				

METHODS OF RESOLVING IMPASSE ON CONTRACT	GRIEVANCE PROCEDURE	UNFAIR LABOR PRACTICES, PENALTIES	TYPE AND PROCEDURES OF ESTABLISHING REPRESENTATION	MISCELLANEOUS COMMENTS
				We believe that there is nothing that cannot be solved while the educational process continues. Urge enactment of legislation which will provide collective bargaining procedures for conducting local school board and teacher negotiations.
			Spell out proper bargaining units for different groups.	Guidelines should protect against the erosion of the duties and powers of the board from determined union demands

EXCERPTS FROM TESTIMONY

WITNESS: Mrs. Lillian King, President, Chicago Region, P.T.A.

". . . Our parents are sick and tired of our children being made victims of a union and the board of education politics. We want our children in school with teachers and administrators present on every school day. We believe that there is nothing that cannot be solved while the educational process continues. Therefore, we urge the enactment of legislation by the General Assembly which will provide collective bargaining procedures for conducting local school board and teacher negotiations and resolving impasses and not the strike be the only solution."

WITNESS: Robert Healey, President, Illinois Federation of Teachers, Chicago Teachers Union

". . . We are especially concerned about legislation which would protect the constitutional right of teachers to organize and bargain collectively.

". . . Teachers are demoralized by the treatment they have received. . . . Teachers of Illinois are committed to the principle of democratic unionism, that is, salaries, economic benefits, teaching conditions, should be established through collective bargaining. . . . The 40,000 public school and college teachers of the IFT under collective bargaining contracts have achieved progress through great sacrifices. . . . In Illinois five teachers have been sentenced to 60 days in jail. One teacher has been sentenced to 30 days in jail. . . . We have had two communities in Illinois where all the teachers in seeking a collective bargaining agreement were fired. . . . We have had a teacher fired for making public criticism of the school board (Pickering Case to Supreme Court).

" . . . We want our right to organize into unions and bargain collectively protected by the laws of Illinois. . . . We want to participate in the determination of conditions and standards under which teachers work. . . . We want the right to strike as a last resort to produce good faith bargaining on salaries, other economic benefits, and on standards and conditions which determine whether teachers succeed or fail. . . . Collective bargaining without the right to strike is an empty sort of procedure. . . . (The strike) is the only incentive that boards of education have come to an agreement.

" . . . Proposed Bill: The rights to organize into a union for the purpose of collective bargaining on salaries, other economic benefits, working conditions, hours, and other matters mutually agreed upon. . . . Prohibit educational boards from interfering with teacher rights to organize. . . Establish penalties for unfair labor practices. . . . Clarify for both unions and educational boards procedure for arbitrating disputes over meaning and application of contracts. . . . Binding arbitration of grievances must be protected in the law. . . . Prohibit issuance of injunctions which interfere with the collective bargaining process. Injunctions compound problems. For example, see Newark, New Jersey, and Philadelphia, Pennsylvania. . . . Insure the legality of the multi-year contract. Contracts for two or three years when fully honored by boards of education can be an important factor in providing stability. . . . Provide the right to negotiate agency shop provisions. . . .Insure that collective bargaining agency determination shall be by an election of the bargaining unit members. That representation take place in a secret, democratic ballot election.

". . . Our union has had a number of grievances go to binding arbitration. We have prevailed in 1/3 - 1/2 of these but more importantly every one with a complaint knows they have had every opportunity of a due process.

" . . . I do not believe any sort of fact finding is effective. Mediation, under certain circumstances is effective. I believe impasse procedures are an impediment, that neither side presents their proper or their final or best offers and that they wait and it delays the settlement."

WITNESS: Keith Reed, Attorney, Seyfarth, Shaw, Fairweather and Geraldson. Firm that represents public employers.

" . . . Our firm went on record in 1967 as being in favor of labor legislation covering public employers provided that it contained certain essential elements:

"1) Criteria for establishing appropriate bargaining units:
    a) an identifiable community of interests;
    b) effects of over-fragmentation;
    c) the promotion of effective dealings and efficiency of operation;
    d) interest of the state as an employer in bargaining on a statewide basis.

"The act should clearly state that the extent of organization shall not be considered.

"2) Supervisors should be excluded from the bargaining unit.

"3) Scope: No bargaining over inherent management rights--functions and programs, standards of service, overall budget, utilization of technology, the organization of technology, the organizational structure, selection and direction of personnel.

"4) Coverage of unfair labor practices on part of employer and union: Labor, e.g., economic sanctions against members, proscription of jurisdictional disputes--follow, National Labor Relations Act.

"5) Prohibition against strikes (federal government and 46 states by statute or common law, prohibit). (Constraints in private sector offered by market place, in public sector, by political process).

"6) Protection against conflict of interest in public sector negotiations--any person member of any affiliate with which employer is bargaining should not be allowed to participate.

"7) Impasse Resolution:
   a) Mediation
   b) If mediation fails, fact finding and making public the report of the fact finder, but both parties should have the opportunity, reserve the right, to reject the findings of the fact finder if they are not agreeable to that party.
   c) Or advisory arbitration."

Additional Comments:

" . . . The reason for excluding certain matters from the scope of bargaining is to protect not only the public employer but also the public interest. Certain public policy decisions should be made via the political process and are not appropriately decided at the bargaining table.

" . . . In private sector bargaining the economic constraints of the marketplace generally limit the demands of employee organization. These constraints do not operate in the public sector. Constraints in the public sector in contrast are imposed by the political process.

" . . . In the private sector the strike is meant to bring economic pressure on the employer by depriving him of sales and profits. A customer is generally able to find alternative

sources of supply. In the public sector the employer normally provides a service for which there is generally no immediately available alternative source of supply. The economic pressure is placed on the public and not on the public employer whose tax revenues are generally not affected.

" . . . The advantage of fact finding over binding arbitration is that both parties recognize the fact that the fact finder's decision will be made public, and therefore, both parties will be interested in taking an approach which is going to wear well with the public."

WITNESS: John Aurand, Field Representative for the Illinois Education Association

" . . . The Illinois Education Association will suggest legislation in a determined effort to have the legislature enact an equitable collective bargaining law for teachers throughout the State of Illinois."

Specifics of proposed legislation:

" . . . The school board must certify an employee representative organization as the exclusive bargaining representative if the employee representative is designated by a majority of the employees in an appropriate bargaining unit.

" . . . Election system that will permit a challenging organization to petition the local board to conduct a jurisdictional election.

" . . . Bargaining process is to include meeting at reasonable times to negotiate in good faith with respect to salaries, related fringe benefits, working hours, class conditions and other terms and conditions of employment for the negotiation of agreement, or any question arising thereunder and execution of written contract.

" . . . Scope includes negotiation of grievance procedure.

" . . . Bill will provide for binding arbitration of disputes concerning the administration or interpretation of collective agreements--grievances only.

" . . . Procedure for resolution of impasse: mediation, if requested by either party; compulsory mediation, if necessary; decisions voluntary.

" . . . Bill permits exclusive bargaining representative to engage in strike if impasse procedures are exhausted and 24 hour notice given and 72 hours have elapsed after mailing of fact finding report, and collective bargaining agreement expired.

" . . . Illinois Education Employment Board to administer the Act and prevent unfair labor practices.

" . . . Exclusion of supervisors from bargaining unit. Administrators have the right to bargain but it should be in a separate unit.

" . . . The Illinois Education Association recommends that the Educational Service Region of Cook County shall support and assist in obtaining an equitable collective bargaining law for teachers during this session of the General Assembly."

WITNESS: Fred Lifton, Attorney. Partner in the law firm of Robbins, Nicholas and Lifton. Negotiations consultant - National School Board Association. Advisor and Panelist for American Association of School Administrators. Mr. Lifton's law firm is engaged exclusively in the practice of school law and represent school districts throughout the State of Illinois.

" . . . Illinois is a state that ranks high in the scale of states which have consequential activity in the area of educational bargaining, and do not yet have a statute of any kind. I have frankly felt, for a period that a statute was not necessary . . . I think at this juncture, given a good piece of legislation, that probably more benefit would be done to us by having state legislation in this area than by no longer having it.

" . . . The prime benefit of a statute covering collective bargaining would be to normalize relationships between teachers and school boards. . . . To the best of my knowledge a little more than 1/3 of the school districts in Illinois have anything you would call collective bargaining agreements. . . . These districts probably embrace 60% (approximately) of the teachers in the State.

" . . . I do not see a statute on collective bargaining as a panacea. I don't see it as avoiding conflict where conflicts exist but it can provide a framework for people to understand one another and to perhaps help them improve that relationship. . . . We in Illinois have the advantage that we have operated in collective bargaining for a period of years and

many of our teachers and boards are familiar with the process. . . . If we are to have collective bargaining legislation in the state, it might be helpful to delay implementation for some of the smaller districts for approximately a period of a year or so while they become familiar with the process. We shouldn't thrust them into it overnight."

Scope of Bargaining

" . . . Since legislation would convert a voluntary process into a mandated one where the school board would be compelled to bargain about subjects the key point is what are the subjects to be thus mandated.

" . . . Most states with collective bargaining have a scope clause which includes the terms working conditions or conditions of employment. These are words of great scope . . . In states that use these words in their statutes the interpretation of these words has led to protracted litigation in the courts as to whether it covers specific items. For example, does the term working condition cover the critical budget consideration of class size?

" . . . If our legislation were to encompass the words working condition or condition of employment they should be precisely defined.

" . . . On the experience of other states, I strongly recommend that impasse procedures, typically known as mediation, fact finding and compulsory arbitration not be included in any Illinois statute. . . The creation of an impasse procedure is more likely to compel the parties to use that impasse machinery than to engage in serious collective bargaining.

" . . . A state bureau of mediation service having effective mediators is briefly desirable. However, we do not need additional effective mediators because they already exist. They exist through voluntary participation of federal mediation and conciliation service and through people who are accredited through the American Arbitration Association.

" . . . I believe that most lawyers in the field believe that compulsory arbitration of impasse would be illegal as an unlawful delegation of the board's authority. There is no objection to the state clarifying this issue, conceivably even legalizing it. The worst thing they could do would be to compel its use.

" . . . By compulsory arbitration, I refer to a process where some neutral or third party or state agency would be empowered to actually write the terms of the contract. We are talking here about resolution of the contract and not about interpret items of a grievance procedure.

" . . . Supervisory Employees should be excluded from the bargaining unit. They would include thos. persons who have some consequential responsibility for making recommendations for hiring, discharge or discipline.

" . . . I do not believe that it is significant that any such legislation include a no strike provision. I think the courts of this state have said with clarity that it is contrary to the public policy of the State of Illinois for teachers to engage in strikes. We also know very frankly that the existence of a no strike provision, whether it be in the state statute or by judicial declaration, as in Illinois, seems to have little, if any impact upon the prevention of strikes.

" . . . I think any such legislation should tell us if binding arbitration of a grievance is legal in Illinois. There is some doubt in this area as a result of court decisions in the Appellate Court in Rockford and the Cook County Circuit Court.

" . . . The legislation (would) create an agency which would supervise problems of recognition, of representation and representation challenge and I think these are appropriate. An agency would be empowered to prosecute unfair labor practices, such as refusal to bargain.

" . . . It would be helpful for teachers if the legislation defined their rights, their rights to engage in political action. This has proved necessary at the federal level and sooner or later we're going to find it to be necessary at the state level.

" . . . I think that if the parties desire it, the legislation should allow them to establish in the bargaining instrument an alternative to the present procedure of handling the dismissal of tenure teachers.

" . . . The statute should clarify the right of the board to discipline teachers by an act less than outright discharge but more severe than the issuance of a reprimand.

" . . . Any statute should make very clear whether or not a union security provision (agency shop) should or should not be allowed . . . I think any such legislation should very precisely indicate whether such union security provision is legal or illegal so we can dispose of that issue.

" . . . I think it is quite possible that we can have a collective bargaining statute that both teachers and school boards can live with. My grave concern is that we do not repeat the mistakes that have been made in most other states that have previously passed legislation."

WITNESS: Wesley Wildman, Illinois Association of School Boards. Professional Negotiator.

Illinois Association of School Boards - 1972 AASB Convention.

" . . . We do not necessarily need nor should we necessarily have legislation mandating or controlling bargaining between boards of education and teacher organization groups in the State of Illinois.

" . . . Collective bargaining in a school district (or in education as a whole) cannot play the same significant role in terms of meeting employee needs that it does in the private sector.

" . . . There are costs associated with collective bargaining. There is a large amount of time involved.

" . . . There is no need for the adversarial relationship that bargaining generates.

" . . . We have de facto bargaining in Illinois as presently 350 of the one thousand districts (roughly) have contracts with their teachers. It is conceivable that inherent conflicts of interest between teachers and school boards in many school districts of the state is so minimal that it would be dysfunctional to have a law that mandates a full blown collective bargaining contract.

" . . . In the alternative, if we are to have a law, these are the things that we think should be taken into account in the drafting of any law. . . . Advisary or compulsory fact finding or compulsory arbitration of the contract dispute is dysfunctional in terms of any collective bargaining relationship. Fact finding in a law impedes bargaining in a given school district. . . . We are taking decision making out of the hands of and away from local communities when we talk of compulsory arbitration to resolve contract disputes. I don't think we can delegate that chore to outsiders-neutrals. . . .I realize that true collective bargaining doesn't really work very well without the strike threat. It is also true that the strike or strike threat in a public school system simply can't play the same kind of role as it does in the private sector. . . .In the last analysis, the only people taking a beating as a result of a school strike are

the children, the community and the school system. The board of education does not have any profits. . . it isn't subjected to the same kinds of financial constraints that management is in the private sector. . . . Teachers should be told that they will not be given make-up days for strike days. Otherwise, there is no deterence to a strike. . . . If we get legislation for collective bargaining for teachers or public employees I am advising that the bill be silent on the question of impasse resolution. I don't think the provision for fact finding or arbitration in a bill is goi[illegible] to prevent teacher strikes. Every effort we make to cut our strike incidence to zero will fail, whether it is an outright strike prohibition in a law, or whether it is a provision of machinery, fact finding, arbitration, all the rest ot it.

" . . . Decisions related to teacher load, curricula and other student related matters should be retained by the board of education as managerial prerogatives.

" . . . There should be no provision to protect union security. There is no precedent in the public sector for this kind of law.

" . . . Managerial positions should be excluded from the bargaining units. The problem of department heads should be decided on a district by district basis.

" . . . I don't see any reason for bargaining rights for administrators in the private or public sector. It's not a requirement under the Labor-Management Relations Act.

" . . . The IASB favors a law covering all public employees rather than a teacher only bill (if we are to have a law).

" . . . The best available evidence indicates that over five or six or seven year periods we are not finding that collective bargaining is redistributing in any significant degrees money from the community as a whole to education or to teacher salary schedules.

" . . . No evidence available to determine whether collective bargaining has affected the quality of education.

" . . . I am in favor of multi-year contracts. The trend in the private sector over the years has been to two years. We're going to have to make some legislative changes in terms of the power of boards to contract beyond the terms of the members setting. I think a law will provide protection (if it is sophisticated) for multi-year agreements."

Question-"Is there any good to come from a collective bargaining law?"

Wildman -- "Only the providing of guidelines for boards of education and teachers who now want to bargain and spend a lot of time deciding how to get it.

" . . . I think mediation can be useful in this act. It might be useful to establish a mediation service in the state as a part of this legislation. This board may help get a strike over but won't prevent them.

" . . . Our incidence of strikes in Illinois last year was relatively low considering the amount of de facto bargaining going on on this state. Three hundred and fifty contracts is a lot of contracts."

WITNESS: Bruce Mackey, Attorney, Scariano and Gubbins
(Speaking as an individual)

" . . . There is a need for a state collective bargaining law authorizing and regulating labor relations in Illinois public schools. It should cover all public employees. In the absence of legislative guidance both teacher organizations and school boards have been continually forced to seek resolutions of their problems in the courts. The judicial system is simply not equipped nor designed to function as a lawmaker and yet in the absence of law the courts have increasingly been required to make law in a complicated and very sensitive area of teacher board collective bargaining.

" . . . The specific features which should be included in an Illinois law are that:

"It should cover all public employess.

"The administration of the act should be handled by a state labor relations board for public employees. Board would determine questions of unfair labor practices, bargaining unit determinations and representation determinations.

"Unfair labor practices by management and employees should be defined.

"Scope -- wages, hours, conditions of employment are not sufficient. There must be specific exclusions which would reserve to the board its inherent managerial powers.

" . . . Should be creteria for determining appropriate bargaining units: exclusion of supervisors or anyone who hires, fires or makes such recommendations; for determining which employees in a given unit--community of interests.

" . . . Law should provide for some form of voluntary impasse resolution. It should include a provision for voluntary fact finding with the fact finders required to be trained in school law and school finance. The law should state that impasse not be declared arbitrarily; but only after parties have earnestly negotiated for a reasonable time on the items which are the subject of the impasse.

" . . . Law should expressly forbid binding fact finding and expressly forbid board strikes."

WITNESS: Louis F. Bodee, President of the Board of Education, District 233

" . . . During the five years I have served as a school board member, I have been exposed to laws, regulations, rules, decrees, and traditions which have combined to produce a climate wherein public education is failing to meet the educational needs of youth and at the same time devours large sums of taxpayers money.

" . . . It should be obvious to the most naive that enactment of legislation which permits collective bargaining by public employees will not reduce the number of teacher strikes. I would guess the number of strikes will increase with or without legislation. To prohibit teachers from engaging in collective bargaining would be unpardonable in that teachers would be deprived of a right available to wage earners in the private sector.

" . . . Just as we must be careful not to make second class citizens of our teachers, we must be equally careful that we do not give them privileges which are not available to their private sector counterparts, and herein lies our problem.

" . . . Over the years the legislation which has been enacted has granted benefits and privileges to teachers which are not normally conditions of employment developed through the collective bargaining process. On the one hand, the district faced the possible loss of state aid, while on the other hand, striking teachers may face great inconvenience, but here is little likelihood of economic loss by the teachers."

WITNESS: Jack Curless, Assistant Superintendent, District 205, Chief Negotiator

" . . . We need some form of legislative enactment concerning collective bargaining for educators in the State of Illinois.

" . . . Collective bargaining allows for the creation of a balance of power. It does not assure such balance.

" . . . The adversary relationship to be effective must have mutual respect not only for the adversary but for the cause which engaged them in the contest. If this common cause is legislated, such as a collective bargaining act, I believe the parties when they come to the table, will start the negotiations with much less hostility toward each other than if they are brought together through a threat by a teacher organization.

" . . . In Illinois the development of collective bargaining legislation should take place gradually. Illinois has the opportunity to avoid many of the problems inherent in collective bargaining processes by studying in depth the experiences of other states. One inescapable conclusion is that a single statute to permit or mandate bargaining between teachers and school boards in a state will not be sufficient in the long run to effect all the deepseated changes that bargaining requires.

" . . . State mandated teacher benefits should be removed when teachers gain labor oriented collective bargaining rights. If teachers have protection against capricious or unreasonable dismissals in a state collective bargaining law, the controversial tenure law is simply redundant and should be modified or repealed.

" . . . Supervisors should be excluded from the bargaining unit if they are going to evaluate teachers.

" . . . Impasse resolution procedures should be included as another technique."

WITNESS: Neal Bratcher, District Director for the American Federation of State and County Municipal Employees Union

" . . . We think because an employee is a teacher or fireman or policeman, wherever they should work they should have the same basic rights as employees in the other sections. Any legislation proposed with regard to public employees in the State of Illinois to organize, to join a labor organization, should have the same basic right as employees in the public sector.

" . . . There have been certain kinds of legislation proposed in this state, and to some extent they restrict the rights of public employees to strike. I don't think you can restrict that right. Neither do I think local unions in the public sector will exercise that right unless they have no other choice.

" . . . If you check the history of strikes in the public sector by teachers and other public employees in this country, they did everything humanly possible before they went on strike. I think when the public officials take the position that we must prohibit strikes by public employees, it's a dangerous position.

" . . . We look upon collective bargaining as the most democratic and most realistic method to settle any dispute involving wages, organization, or other things."

WITNESS: Leonard Day, Manager, Labor Relations Department, Illinois State Chamber of Commerce

" . . . We feel that legislation affording collective bargaining for public sector employees should, 1) protect the public interest; 2) make provision for the orderly conduct of collective bargaining with realistic and enforcible machinery for safeguarding the community against loss of products or services affecting safety, health or welfare; 3) prohibit strikes by public employees or, this is a big or, at the very least prohibit strikes which affect the public health, safety and welfare; 4) any such legislation should provide election machinery for employees in appropriate bargaining units which will not result in fragmented public employee unionization and will not include supervisors in the same unit with employees whom they supervise; 5) such legislation should permit maintenance of union membership or at least provide the machinery for bargaining on that point, but specifically prohibit union shop or agency shop.

" . . . The bargaining timetable should tie in with the budget submission dates and not only the possibility of a bargaining impasse and when that might occur but also the termination date of the contract itself, the collective bargaining agreement.

" . . . We've been aware for a long time of the tremendous growth of the public employee work force, teachers being one such group, of course, but we have been looking at the broad spectrum of public employees and recognize that to go at it piecemeal, as has been done in most states and in Illinois, we think would lead to more strife than if there is some comprehensive public employee bargaining bill."

WITNESS: Dr. John Lynch, Department of School Administration, DePaul University

" . . . Is collective bargaining permissable? The answer is a qualified yes, but it cannot be construed as the authority to negotiate a contract which involves the surrender of the words 'legal discretion.' A board of education has absolutely no authority to delegate to any other person or body whatsoever, even to members of their own board, the exercise of judgment and discretion.

" . . . The teacher tenure law sets out the due process procedures by which a teacher may retain his position or lose it. Tenure was never intended to be security or a right to a position. If the law were understood and enforced, there would be no need to include a dismissal procedure as part of the collective bargaining agreement.

" . . . People in administrative positions should not be tenured. When a person assumes a position of leadership as a principal or superintendent he also assumes the insecurity of that position, and the position is held by showing qualities of leadership; the minute he ceases to be a leader, his worth to the board ceases to exist and he has to be let go."

WITNESS: Richard Miller, School Board Member, District No. 90, River Forest

Supports the position of the Illinois Association of School Boards.

" . . . Be it resolved that the Illinois Association of School Boards shall express opposition to any act of the Illinois General Assembly that will impose upon boards of education the obligation to collectively bargain with school employees while recognizing that current law neither prohibits nor impedes the process of negotiating contractual relationships with both professional and ancillary personnel.

" . . . The last piece of control, discretionary control, that school boards have is salaries. If you take away from the local school boards the decision making, the ultimate decision making process of deciding allocation of funds, you have nothing left for a school board to do.

" . . . If we do go into a statewide negotiating process which requires every district in the state to hire attorneys to go into this process, you're going to exepnd untold millions of dollars not only in supporting your state board, your local

groups, the arbitrators, the mediators and the hearing people; and none of this will reflect in teachers in the classroom with the students.

" . . . I don't see the need for a formalistic procedure . . . I don't see the need of establishing another whole chain that's going to take money away from education again."

WITNESS: Thomas Burke, President of Chicago Principals' Association

" . . . The Chicago Principals' Association does favor and support legislation which will enable public employees to bargain with their employers. It is necessary that there be standardization of procedures for bargaining in order to resolve problems.

" . . . School administrators and supervisors also must be able to negotiate and have a meaningful voice in educational philosophy and developments. Middle management supervisors are caught in the middle of a crossfire unless they can bargain to protect their specific interests and prerogatives.

" . . . There should be separate bargaining units for teachers and principals."

WITNESS: Rev. David Hazelip, Coordinator of Field Experiences, De Paul University

" . . . It is my opinion that positive enlightened collective bargaining enabling legislation is both consistent with the American ideal and the concept of humanity itself.

" . . . My whole experience is sort of divorced from the question of tenure, but I honestly think that collective bargaining in the entire scope could replace the tenure laws that exist today. I'm really hesitant about making that kind of statement, because I don't have that much background, but that's my feeling about it.

" . . . Employers in the school systems in some instances have been repressive and in some instances have been openly avowedly dehumanizing, but I think more often they've been a paternalistic and perhaps autocratic and this is the kind of thing that the law would be able to balance out somewhat."

WITNESS: Warren Holbrook, Legislative Chairman, Illinois Principals' Association

" . . . The Illinois Principals' Association feels that there is a need for some type of collective bargaining professional negotiations . . . in the State of Illinois mainly to provide guidelines for the procedures to follow in the case of impasse, provide a framework under which some of these disputes can be resolved, mainly for the protection of the kids.

" . . . We feel that a bill should be new enough or unique enough that new court cases would have to be decided on that bill only and precedents be set from that point on."

WITNESS: Paul Stickler, Attorney, Former Board Member, District No. 97

" . . . The public sector bargaining must be treated completely differently from the private sector bargaining. We're not dealing with sweat shops. We're dealing with the concept of government. We're dealing with the representative democracy, so-called. The board, the individual board is an elected board. When a private group, special pressure group . . . comes in, you have a much bigger problem than just the school board.

" . . . We have to do a lot of housekeeping, a lot of mending in many different ways before we can have a successful bargaining situation in the State of Illinois.

" . . . The guidelines should also protect against the erosion of the duties and powers of the board from determined union demands."